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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,654	10/26/2001	Cheryl L. Neofytides	020375-000220US	1069
20350 7590 08/06/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER AKINTOLA, OLABODE				
ART UNIT		PAPER NUMBER		
3691				
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08/06/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/046,654

**Applicant(s)**

NEOFYTTIDES ET AL.

**Examiner**

OLABODE AKINTOLA

**Art Unit**

3691

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 15-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date 3/31/2008; 5/16/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first user" in line 5. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin et al. (US 7089208) (Levchin) in view of Liebermann (US 7287009) (Liebermann).

Re claim 1: Levchin teaches a method for automatically transferring credit between one or more stored value funds and one or more money handlers using a wide-area computer network, the method comprising: providing a first user interface to the first user, the first user coupled to the wide-area computer network, the first user associated with a first stored value fund, the first user interface including one of a group comprising a phone interface and an internet interface, a server computer system is operable to communicate with the phone interface and the internet interface; receiving automated transfer information at a server computer system from the first user interface (col. 7, lines 12-15, col. 3, lines 45-50, col. 1, lines 51-56); receiving a first selection of a first money handler chosen by the first user for an automated transfer, the first money handler comprising one of a group including a credit card handler, a debit card handler and a bank handler (col. 2, lines 37-39); determining the direction of the automated transfer with respect to the stored value fund (col. 7, lines 12-15); receiving a first selection of an amount for the automated transfer (col. 5, lines 62-66); and automatically transferring the amount between the stored value fund and the handler (col. 5, lines 62-66); providing a second user interface to a second user, the second user coupled to the wide-area computer network, the second user associated with a second stored value fund, the second user interface including one of a group comprising a phone interface and internet interface, the server computer system is operable to communicate with the phone interface and internet interface; receiving a second selection of a second money handler chosen by the second user for the automated transfer, the second money

handler comprising one of a group including a credit card handler, a debit card handler and a bank handler, wherein the second money handler is different from the first money handler; automatically transferring the amount between the first money handler and the first stored value fund and the handler; automatically transferring the amount between the first stored value fund and a second stored value fund (col. 7, lines 12-15, col. 3, lines 45-50, col. 1, lines 51-56, col. 2, lines 37-39, col. 5, lines 62-66).

Levchin does not explicitly teach an agent interface, a kiosk interface, and an ATM interface; and a promotion handler and agent handler; wherein the second stored value fund is a temporary stored value fund; and automatically transferring the amount between the second stored value fund and the second money handler as recited in the claim. However, Levchin teaches a plurality of interfaces (e.g. handheld or palmtop computer, smart telephone, PDA, pager (Fig. 1, col. 3, lines 34-53) and plurality of handlers (col. 2, lines 37-39; col. 5, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levchin to include other interfaces such as agent interface, a kiosk interface, and an ATM interface, and handlers such as promotion handler and agent handler or any other interface/handler in Levchin's client-server configuration since these interfaces/handlers are well known in the art as being operable to communicate with a server system in a client-server configuration, and each of these additional interface/handler merely would perform the same function as each separate interface as taught by Levchin. One of ordinary skill in the art would have recognized that the results of including the additional interfaces/handlers were predictable.

Liebermann teaches the concept of transferring money from one account to another by debiting a customer's account and placing monies into temporary account. The money is then moved from

the temporary account to the account of the recipient (col. 12, lines 52-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Levchin to include this feature as taught by Liebermann so that temporary account can hold the monies for the user for a period of time and such withdrawal results in an update in the first user account even during the period when the second user has yet to take possession of the funds.

Re claim 2: Levchin teaches a step of determining if a transfer period has expired (col. 4, lines 11-12; col. 14, line 64 through col. 15, line 2).

Re claim 3: Levchin teaches a step of determining if a threshold amount is crossed (col. 5, lines 62-66).

Re claim 4: Levchin teaches wherein: the ); receiving a first selection of the amount step comprising a step of determining the difference between the threshold amount and a balance of the stored value fund; and the difference is equal to the amount (col. 5, lines 62-66).

Re claim 5: Levchin teaches wherein the amount is included in the automated transfer information (col. 4, lines 9-11).

Re claim 6: Levchin does not explicitly teach a step of electronically notifying the user of the automated transfer, wherein the electronic notification includes at least one of a web page, an instant message, an e-mail message, a pager message, and a wireless phone message. Official

notice is hereby taken it is old and well known in the fund transfer art to provide notification to user of the system. It would have been obvious to one of ordinary skill in the art at the time of the invention to include this feature in Levchin teachings. One would have been motivated to do so in order to confirm to the user that the value has been successfully transferred.

Re claim 7: Levchin teaches wherein the server computer system comprises a plurality of computers coupled together by a computer network (figure 1).

Re claim 8: Levchin teaches wherein the first money handler includes at least one of a stored value fund, an airline mileage program, a gift certificate issuer, an electronic gift certificate issuer, and a money order issuer (col. 5, lines 62-66).

Re claim 9: Levchin teaches wherein the amount corresponds to at least one of: currency, monetary value, airline mileage, promotional program points, gift certificate credit, and commodities (col. 4, lines 34-41).

Re claim 10: Levchin teaches wherein the automatically transferring step comprises at least one of the following steps: transferring the amount with a bank account; transferring the amount with a credit card or debit card; transferring the amount in a check or money order; transferring the amount to an agent location chosen by the user; transferring a telegram or a greeting card with a check or money order for the amount; and transferring an electronic greeting card with an electronic payment notification for the amount embedded therewith (col. 7, lines 12-15).

Re claim 11: Levchin teaches steps of: retrieving a trigger condition that initiates the automatically transferring step; and determining when the trigger condition is satisfied (col. 5, lines 62-66).

Re claim 12: Levchin teaches wherein the trigger condition includes at least one of: a credit balance in the stored value find meeting a threshold; and a period of time expiring (col. 5, lines 62-66).

Re claim 13: Levchin teaches wherein the user, the handler and the server computer system are remotely located with respect to each other (figure 1).

Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin in view of Ogilvie (US 6631358) (Ogilvie)

Re claims 15 and 18: See claims 1 and 12 analyses, supra. Furthermore, Levchin teaches a payment controller sending the amount to a payment conversion function, the payment conversion function converting a form of the amount (col. 4, lines 34-36). Levchin does not explicitly teach wherein the trigger condition is a periodic transfer and a period of time for the periodic transfer expires. Ogilvie teaches trigger conditions including periodic basis or threshold basis (abstract, col. 8, lines 43-50). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Levchin to include this feature so that the



transfer can be made on a periodic basis.

Re claim 16: See claims 1, 4 and 12 analyses, supra.

Re claim 17: See claims 1, 8 and 12 analyses, supra.

Claims 19-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levchin in view of Liebermann and further in view of Ogilvie.

Re claims 19 and 24: See claims 1, 2 and 15 analyses, supra.

Re claim 20: See claims 1 and 3 analyses, supra

Re claim 21: See claims 1 and 4 analyses, supra

Re claim 23: See claims 1 and 14 analyses (figure 1), supra

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OLABODE AKINTOLA whose telephone number is (571)272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691